

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

JEFF NYE,

Plaintiff,

v.

THE HARTFORD ACCIDENT AND
INDEMNITY COMPANY,

Defendant.

CIV. 12-5028-JLV

**DEFENDANT'S MOTION TO
MODIFY SCHEDULING ORDER**

Defendant The Hartford Accident and Indemnity Company, through its attorneys Jason M. Smiley and Francis J. Maloney, hereby submits this Motion to Modify Scheduling Order.

On September 6, 2013, the Court entered an order (Docket 41) that Defendant shall produce documents ordered disclosed pursuant to the compel order on or before December 2, 2013. Since the Court entered the order, the parties have engaged in extensive meaningful settlement discussions, including engaging in a day-long mediation on October 17, 2013. The parties remain hopeful that the case will ultimately settle but have recently reached an impasse at this time.

Since the compel order was entered, Defendant has produced a number of materials, including the bad faith case list, claim manuals, and personnel materials. During the settlement discussions, however, the parties agreed to temporarily suspend discovery in order to limit litigation costs. Due to that

informal agreement, Defendant has not provided several of the documents included in the Court's order. The parties jointly request the Court amend the Modified Scheduling Order (Docket 41) to provide Defendant until **December 20, 2013**, to fully comply with the compel order.

Plaintiff's attorney, Brad J. Lee, has informed Defendant's counsel that Plaintiff has no objection to this motion.

Dated: December 2, 2013.

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By /s/ Jason M. Smiley

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